

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER W. LINDNER,

Plaintiff,

-against-

AMERICAN EXPRESS CORPORATION
AND QING LIN,

Defendants.

Civil Action No.: 06-3834 (JGK-THK)

**DECLARATION OF JEAN Y. PARK
IN SUPPORT OF REQUEST TO ADJOURN
TRIAL DATE**

JEAN Y. PARK, pursuant to 28 U.S.C. § 1746, declares:

1. I am an attorney duly admitted to practice before this Court and am a member of the law firm of Kelley Drye & Warren LLP, located at 101 Park Avenue, New York, New York 10178. My firm represents Defendants, American Express Travel Related Services Company, Inc., erroneously denominated “American Express Corporation” (hereinafter, “American Express”), and Mr. Qing Lin, in the above-captioned action.

2. Pursuant to the Court’s September 23, 2010 memo-endorsed order [D.E. 246], I submit this sworn declaration in support of Defendants’ application to adjourn the trial of this action to January 18, 2011.

3. The parties are currently scheduled to be trial ready on 48 hours’ notice by no later than November 19, 2010.

4. We require this adjournment for good cause; to wit, a material witness, Trevor Barran of Fischer Jordan, is out of the country and will not be returning to the United States until April of 2011.

5. I only recently learned of Mr. Barran’s unavailability from his attorney, Omer Salik, Esq., whom I contacted last week in order to determine whether he would agree to

accept service of subpoenas *ad testificandum* on behalf of his clients, Messrs. Boaz Salik and Barran.

6. Mr. Barran is the only individual with personal knowledge concerning, *inter alia*, plaintiff's hire as a consultant for the MBNA project in Delaware, plaintiff's work performance as a consultant, and inability to get along with other team members.

7. Both plaintiff and Defendants intend to call Mr. Barran was a witness at trial. Mr. Barran, through his attorney, has advised that he would be willing and able to return to testify at trial in this action after January 15, 2011.

8. Plaintiff does not object to this application.

9. For this reason, we respectfully request that the time for the parties to submit their pre-trial papers be adjourned to December 17, 2010, and the trial-ready date be adjourned to January 18, 2011.

10. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 1, 2010



JEAN Y. PARK